

# SPEECH OF HON. WILLIAM UPHAM, OF VERMONT,

ON

## THE COMPROMISE BILL.

*Delivered in the Senate of the United States, July 1 and 2, 1850.*

The Senate having under consideration the bill for the admission of California as a State into the Union, to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her Western and Northern boundaries—

Mr. UPHAM said: Mr. President, it is my purpose, in the humble part I am about to take in the discussion of the various questions growing out of this measure, to address the Senate in the language of "truth and soberness," without any attempt at embellishment or display. Rhetorical flourishes and high sounding declamation, in my poor judgment, (to say nothing of their bad taste in this chamber,) have no tendency to allay the prevailing excitement, or to quell the fury of the storm that is beating so pitilessly upon us. I shall, therefore, express my views with great frankness and plainness, but, at the same time, in language, I hope, not unbecoming the position I occupy, or the importance of the subject under consideration.

Mr. President, if any thing could awaken in my mind fearful apprehensions for the stability of the Government, and the perpetuity of our free institutions, it would be the oft-repeated declaration, on this floor and elsewhere, that the laws of Congress touching the question of slavery in our newly-acquired Mexican Territories, and in the District of Columbia, if not agreeable to the taste of Southern politicians, will be resisted at all hazards and to the last extremity. But, sir, I am not very easily alarmed, and therefore have no fears for the safety of the Union; no, sir, none whatever. The foundation upon which it rests was laid broad and deep by the patriots of the Revolution, and cemented with their blood; and the first open attempt to undermine it will meet with a most severe rebuke, not only from the constituted authorities of the country, but from twenty millions of people, most of whom regard the Union as the ark of their political safety, and stand ready, if need be, to peril their lives in its defence. The cry of disunion has gone out from the halls of Congress; but, sir, if I have not greatly mistaken the signs of the times, it meets with no favorable response from the people in any section of the country; no, sir, not even in the slave States. The people of the South, with few exceptions, cling to the Union with as much devotion and affection as the people of the North. Their fathers and our fathers stood shoulder to shoulder on many a battle field, in hours of peril and of glory, to open the way for its establishment; and it is our most sacred duty, as their descendants, to uphold and preserve it at every hazard.

Mr. President, the people of this great country enjoy too much security, too much happiness, and too much prosperity in the Union, to desire to go out of it to better their condition. They are contented where they are; and, if they have grievances to complain of, they can seek and obtain redress much better in the Union than out of it. The disastrous consequences that must follow the breaking up of the deep foundations of the Government, and the consequent rupture of the ties that bind these States together in one family, the people fully understand. They know that disunion is nothing more or less than civil war, the arming of one section of the country against the other for deadly conflict; and they know, too, that the first drop of blood shed in a conflict of arms between the North and the South, would be the death-knell of freedom here and throughout the world. Who, Mr. President, that is not laboring under some strange hallucination, can believe for a single moment that secession would furnish a remedy for any of the grievances complained of by the slave States? It would be a forfeiture of all their interest in the Territories, and a surrender of all claim upon the free States for the restoration of their fugitive slaves. In the Union the rights of all can be secured and protected; out of the Union all would be doubt, uncertainty, and insecurity. But the Union, it is said, is in danger, and that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the confederacy. What, sir, has caused this wide-spread discontent? One of the causes, we are told by Southern Senators, is the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. Another cause, it is said, is to be found in the fact that the equilibrium between the two sections of the Government, as it stood when the Constitution was ratified and Government put in action, has been destroyed, not by the operation of time, but by the legislation of Congress. The legislation complained of is, first, the ordinance of 1787; second, the system of revenue and disbursements adopted by the Government; third, the Missouri compromise; and, fourth, the exclusion of slavery from the Oregon Territory. Now, Mr. President, I propose, before urging my objections to the bill under consideration, to examine these causes of discontent and these acts of legislation, for the purpose of showing, first, that the agitation of the subject of slavery, with a view to effect its abolition,



commenced in the South before the Revolution, and continued up to 1832; and that the agitation in the North, of which the South complains, was occasioned by the aggressions of the slave power on the rights of the North; and, secondly, that the legislation complained of, with the exception of the Oregon bill, cannot with truth be charged to the North.

And, first, as to the agitation of the slave question. A brief reference to the early history of the country will show that a strong opposition to slavery manifested itself in many of the colonies before the declaration of independence, and that in no section of the country was the opposition stronger and more determined than in the South. At various periods in 1774, before the first meeting of the Continental Congress, the people in many of the counties in Virginia, in public meetings, assembled "to consider of the most effective method to preserve the rights and liberties of America," took up the subject of slavery, discussed it, deliberated upon it, and passed resolutions declaring it injurious to the colonies. The proceedings of these meetings may be found in the 1st vol. of the 4th series of American Archives, published by order of Congress. I shall not detain the Senate by reading them. I will, however, beg permission to refer to a resolution adopted by the freeholders and other inhabitants of the county of Culpeper, assembled at the court-house in that county, on the 7th of July, 1774. It is in the words following:

"*Resolved*, That the importation of slaves and convict servants is injurious to this colony, as it obstructs the population of it with free and useful manufacturers; and we will not buy any such slave or convict servant hereafter to be imported."

Free and useful manufacturers were regarded of great importance in the colony, and as the importation of slaves obstructed the population of it by that desirable class of men, the good people of the county resolved to give no encouragement to slavery.

Resolutions of a similar character were passed in many of the other counties in the Commonwealth, and also at a State Convention held at Williamsburg on the 1st of August, 1774.

Mr. Jefferson, a delegate to the Williamsburg Convention, being unable to attend, addressed a letter to the body, in which he expressed his views in regard to slavery in the following language:

"For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. THE ABOLITION OF DOMESTIC SLAVERY IS THE GREATEST OBJECT OF DESIRE IN THESE COLONIES, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative. Thus preferring the immediate advantages of a few *African Corsairs* to the LASTING INTEREST of the *American States*, and to the RIGHTS OF HUMAN NATURE DEEPLY WOUNDED BY THIS INFAMOUS PRACTICE."

Is this, sir, the language of fanaticism or of patriotism? "*The abolition of domestic slavery is the greatest object of desire in these colonies, where it was unhappily introduced in their infant state.*" This was Southern sentiment when uttered by Mr. Jefferson, and concurred in by all, or nearly all, the slave States. Then five or six hundred thousand slaves were considered a great evil, and no sacrifice was too great to get rid of them. Now, three or four millions are regarded as a great blessing; and the integrity of the Union is threatened if they are excluded from the free territory of the United States. But to pass on. The Convention at Williamsburg recommended a Congress, in which all the colonies were to be represented, to meet at Philadelphia on the first Monday in September, 1774, to take into consideration the critical condition of the country, &c. The recommendation was favorably received by the other colonies; and, on the day named by Virginia, delegates from all the States, except Georgia, appeared at Philadelphia, and the Congress was organized. It was a collection of patriots and statesmen, assembled in the darkest hour of our political history to consider of the best method to preserve the rights and liberties of America. George Washington, the Adamses, and the Rutledges, were there, to mingle their counsels with the other eminent men of the body. Among the weighty matters there considered and discussed, slavery was not omitted. No, sir, it was thoroughly examined and deliberately condemned. On the 12th of January, 1775, Georgia proclaimed her sentiments in regard to slavery in clear and emphatic language. Hear it:

"We, therefore, the representatives of the extensive district of *Darien*, in the colony of Georgia, having now assembled in Congress, by authority and free choice of the inhabitants of said district, now freed from their fetters, do resolve—5. *To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for ALL MANKIND, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice founded in injustice and cruelty and highly dangerous to our liberties, (as well as lives,) debasing part of our fellow creatures below men, and corrupting the virtue and morals of the rest, and is laying the basis of that liberty we contend for, (and which we pray the Almighty to continue to the latest posterity,) upon a very wrong foundation. We, therefore, resolve at all times to use our utmost endeavors for the manumission of our slaves in this colony, upon the most safe and equitable footing for the master and themselves.*"—*Vide 1st vol., 4th series, American Archives, p. 1136.*

This language, if uttered in the North, would be called by our Southern friends rank fanaticism, and in the highest degree insulting to them. But, sir, it is the language of the representatives of the extensive district of *Darien*, in Georgia, of slaveholders themselves, of men well qualified to judge of the effect of slavery upon the institutions of the country and the morals of the people. They say, it is founded "*in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing part of our fellow creatures below men, and corrupting the virtue and morals of the rest,*" &c. Surely, sir, if this be its character, it is the duty of every statesman, philanthropist, and christian to oppose its extension. North Carolina was not silent on this subject. She held her State convention at Newbern, in August, 1774, and resolved not to import, or purchase slaves imported and brought into the Province by others,



after the 1st day of November, then next. Then she regarded slavery as prejudicial to her interests, and desired to get rid of it. Now, it would seem, judging from the resolutions she has sent here, and the speeches of her representatives, that slavery is the greatest blessing she enjoys, and that the Union would be valueless to her without it.

On the 6th of July, 1775, the Continental Congress published to the world a *Declaration of Rights on taking up arms*; a declaration beginning with a sentence to which I desire to call the attention of the Senate and the country, as it contains an *unlimited* condemnation of slavery. It is in the words following:

“If it were possible for men to exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over, others, marked out by his infinite goodness and wisdom as the objects of legal dominion, never rightfully resistable, however severe and oppressive, the inhabitants of these colonies might at least require from the Parliament of Great Britain some evidence that this dreadful authority over them had been granted to that body.”

Here, sir, is a declaration, in terms clear and unequivocal, by the Continental Congress, representing all the States, against the right, moral or political, of one portion of the human race to hold absolute property in another.

But, Mr. President, the patriotic members of the Continental Congress did not content themselves with declarations alone against slavery. They did more. They prohibited the importation of slaves into any part of the Confederacy, in April, 1776.

The same Congress, on the 4th of July, 1776, published to the world that great declaration of universal freedom which forever separated the Colonies from the British Crown. And, sir, among the causes which impelled the separation, I find written down by Mr. Jefferson the following:

“He [the King of Great Britain] has waged cruel war against human nature itself; violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation hither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce.”

Yes, sir, the keeping open a market in the colonies where men, women, and children were sold like sheep in the shambles to the highest bidder, was regarded by the immortal author of the Declaration of Independence, as worthy of a place among the causes which impelled our forefathers solemnly to publish and declare “That these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved.” Now, sir, to digress for a moment, I ask, in all candor, is it not a disgrace—a shame—a burning shame, that in this city, in sight of this Capitol, a market is now kept open where men, women, and children are made merchandise, and daily bought and sold? Is it not time, high time, that Congress should put an end to this accursed traffic in human flesh? It is an “execrable commerce,” and the ingenuity of man can urge nothing in justification or extenuation of it. No, sir:

“Not all that heralds rake from coffined clay,  
Nor florid prose, nor honeyed lies of rhyme,  
Can blazon evil deeds, or consecrate a crime.”

I pass, Mr. President, to the proceedings of the Congress of 1784, (the first after the peace of 1783,) touching the subject of slavery. On the 19th of April, 1784, a committee, of which Mr. Jefferson was chairman, reported a plan for a temporary government of the Western Territory. The plan reported contained a clause for prohibiting slavery in the Territory after the year 1800. The clause, however, for reasons I shall hereafter assign, was stricken out, and the plan adopted without it. The clause was again offered on the 16th of March, 1785, and again rejected.

On the 11th of July, 1787, a committee to whom was referred the report of a committee touching the temporary government of the Western Territory, reported an ordinance for the government of the Territory of the United States northwest of the river Ohio. The 6th article of the ordinance reported prohibited slavery in the Territory, and provided for the restoration of fugitive slaves claimed by any one of the *original States*. On the 13th of July, the ordinance was read a third time, and passed by a unanimous vote. Thus, sir, was slavery forever excluded from all the territory belonging to the United States, by the consent and vote of every State represented in the Congress of 1787.

As I shall have occasion, in another part of my remarks, to refer again to this ordinance, I will leave it for the present, and pass to the Federal Convention of 1787.

The members of that Convention, I maintain, had no idea of framing a government under which slavery could be extended and perpetuated. No, sir; far from it. They *expected* the gradual diminution and not remote extinction of slavery, and *designed* to prevent its extension. This, sir, is apparent to my mind, not only from the debates in the Convention and from the Constitution itself, but from the well known opinion of many of the leading members of the body upon the subject, and the construction they put upon the instrument in the State Conventions called for its ratification. The debates in the Convention show that Congress would have been left at liberty, forthwith, to have prohibited the slave trade, both foreign and domestic, had it not been for the opposition of Georgia and South Carolina. They insisted upon the continuance of the trade for twenty years, and refused to come into the Union upon any other condition. Mr. Madison, a member of the Federal Convention, must be regarded, I suppose, as good authority on this subject. He said, in a speech in the Convention of Virginia, to which was referred the Constitution, that “the Southern States (an expression then applied exclusively to Georgia and South Carolina,) would not have entered into the Union of America with-



out the temporary permission of the slave trade; and if they were excluded from the Union, the consequences might be dreadful to them and to us. We are not in a worse condition than before. The traffic is prohibited by *our* laws, and we may continue the prohibition. I need not expatiate on the subject. Great as the evil is, a dismemberment of the Union would be worse. If these States should disunite from the other States for not indulging them in a temporary continuance of this traffic, they might solicit and obtain aid from foreign powers." So you see, sir, that the other ten States, in order to form the Union, were obliged to yield to the wishes of South Carolina and Georgia.

Luther Martin, of Maryland, moved in the Federal Convention of 1787, to amend the section in the Constitution relating to the slave trade, so as to allow a prohibition or tax on the importation of slaves.

"In the first place," he said, "as five slaves are to be counted as three freemen in the apportionment of representatives, such clause would leave an encouragement to this traffic. In the second place, slaves weaken one part of the Union, which the other parts are bound to protect; the privilege of importing them was, therefore, unreasonable. And, in the third place, it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution."—*Madison papers*, 3d vol., p. 1388.

George Mason, of Virginia, said in the same Convention, that—

"Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He held it essential, (he said,) in every point of view, that the General Government should have power to prevent the increase of slavery."

And in the Virginia State Convention for the ratification of the Constitution, he said the importation of slaves into the Colonies—

"Was one of the great causes of our separation from Great Britain. The augmentation of slaves weakens the States; and such a trade is diabolical in itself, and disgraceful to mankind. As much as I value a union of all the States, I would not admit the Southern States (South Carolina and Georgia) into the Union unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union."—*Elliot's Debates on the Federal Constitution*, 3d vol., p. 452.

A few words, sir, on the section of the Constitution bearing on this subject. It is in the words following:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

The power of Congress over the domestic and foreign slave trade was suspended for twenty years only in the States *then existing*. In the new States, created after the adoption of the Constitution, the trade could be instantly prohibited. This section of the Constitution was framed with great care, and with a *design* not only to favor the gradual abolition of slavery, but to prevent its extension into new States thereafter to be created. And this, sir, I will prove by a brief reference to the debates in the State Conventions held for the ratification of the Constitution.

In the Convention of Virginia, opposition being made to this clause, because it might eventually encourage emancipation, Governor Randolph said:

"I hope that there is no one here, who, considering the subject in the calm light of philosophy, will advance an objection dishonorable to Virginia; that at the moment they are securing the rights of their citizens, an objection will not be started that there is a spark of hope that these unfortunate men now held in bondage may, by the operation of the General Government, be made free."

Mr. Tyler, father of the late President, in the same Convention zealously opposed this toleration of the slave trade till 1808. He would prohibit it immediately, saying:

"My earnest desire is, that it may be handed down to posterity that I oppose this wicked clause."

Mr. Johnson, in the same Convention, said:

"The principle of emancipation has begun since the Revolution. Let us do what we will, it will come round."

Mr. Mason, Mr. Ennis, and Mr. Dawson, all members of the Convention, expressed the same opinions, looking forward to the eventual and not very remote abolition of slavery. And in these opinions they were sustained by Washington, Jefferson, Madison, and a host of other statesmen holding a high rank in the "Ancient Dominion."

Luther Martin, a delegate from Maryland in the Federal Convention of 1787, said in the Convention of that State upon the Federal Constitution:

"We ought to authorize the General Government to make such regulations as may be thought most advantageous for the gradual abolition of slavery, and the emancipation of slaves which are already in the States."

Mr. Iredell, in the Convention of South Carolina on the Federal Constitution, in speaking of this clause, said:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature."

Mr. Galloway, in the same Convention, said:

"I wish to see this abominable trade put an end to. I apprehend the clause means to bring forward manumission."

In the Convention of Pennsylvania, Judge Wilson, who had been a member of the Federal Convention, said:



"I consider this clause as laying the foundation for banishing slavery out of this country. It will produce the same kind of gradual change as was produced in Pennsylvania. The new States which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced among them. It presents us with a pleasing prospect that the rights of mankind will be acknowledged and established throughout the Union. Yet the lapse of a few years, and Congress will have power to extirpate slavery from our borders."

In the Convention of Massachusetts, Gen. Heath said:

"Slavery cannot be extended. By their ordinance Congress has declared that the new States shall be republican States, and have no slavery."

In the same Convention, Judge Daws said:

"Although slavery is not smitten by an apoplexy, yet it has received a mortal wound, and will die of consumption."

These declarations, which I could greatly multiply if time would permit, show that it was expected on all hands that slavery would, at no very remote period, cease to exist in all the States of the Union.

On the 13th of May, 1789, in the first Congress under the Constitution, the impost bill being under consideration, Mr. Parker, from Virginia, moved to insert a clause in the bill imposing a duty on the importation of slaves of ten dollars on each person:

"He was sorry," he said, "that the Constitution prevented Congress from prohibiting the importation altogether; he thought it a defect in the instrument that it allowed such a practice; it was contrary to the Revolution principles, and ought not to be permitted; but as he could not do all the good he desired, he was willing to do what lay in his power. \* \* \* He regarded the traffic as inhuman, \* \* \* and hoped Congress would do all that lay in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma under which America labored. The inconsistency in our principles, with which we are justly charged, should be done away, that we may show, by our actions, the pure beneficence of the doctrine we hold out to the world in our Declaration of Independence."

Mr. Madison was in favor of Mr. Parker's proposition, and expressed his views in the following language:

"I conceive the Constitution, in this particular, was formed in order that the Government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense of America with respect to the African slave trade." \* \* \* "It is to be hoped that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves."

"Every addition the States receive to their number of slaves," continued Mr. Madison, "tends to weaken and render them less capable of self-defence. In case of hostilities with foreign nations, they will be the means of inviting attack instead of repelling invasion. It is a necessary duty of the General Government to protect every part of their confines against danger, as well internal as external. Every thing, therefore, which tends to increase danger, though it be a local affair, yet, if it involve national expense or safety, becomes of concern to every part of the Union, and is a proper subject for the consideration of those charged with the general administration of the Government."—Vide Debates in the Congress of 1789, old series, 1 vol., p. 349 to 354.

If the views thus expressed by Mr. Madison be correct, it is the bounden duty of Congress to exclude slavery from the Territories of the United States. Nothing tending to weaken and render them less capable of self-defence should be allowed to exist within them. Territorial governments involve national expense, and therefore concern every part of the Union, and are proper subjects for the consideration of the General Government.

I will now, sir, pass to Southern opinion in regard to slavery, of a more recent date. In January 1832, Mr. Randolph introduced into the House of Delegates in Virginia a proposition for the gradual abolition of slavery in that ancient Commonwealth.

The subject gave rise to an animated debate, which was conducted with great ability and eloquence by the speakers who took part in the discussion. The following are extracts from some of the speeches delivered on the occasion:

Mr. Bolling, of Buckingham, said:

"This is a grave and important subject; one that ought to be and will be considered. Its importance demands that it should be considered and debated here; and is not, as some gentlemen think, a reason that it should be passed in silence, and acted upon in secret. No, sir, our action should be calm and dispassionate, but open, bold, and manly. Sir, that it is an evil, a great and appalling evil he dared believe no sane man would or could deny. Nor, sir, can it be denied that it deprives us of many of those advantages, facilities, and blessings which we should enjoy had we a more dense white population. That it is a blighting, withering curse upon this land, is clearly demonstrated by this very discussion itself."

"Notwithstanding eastern gentlemen had waxed so warm, there are many, very many in Eastern Virginia who had rather resign their slaves gratuitously than submit to the ills of slavery; many who had rather turn them loose and leave them behind, while they should seek a happier clime—land alike a stranger to slaves and slavery."

Mr. Marshall, of Fauquier, said:

"The utmost latitude of debate had already been tolerated, and no injury could now accrue from temperate expression of his sentiments on the general question. He felt himself at liberty to say that he was opposed to slavery as a practical evil. He objected to slavery, not because it implies moral turpitude, or because it is a sin to be the owner of a slave. If it be a sin, let it fall on those who introduced the evil and have transmitted it to their offspring. \* \* Wherefore, then, object to slavery."



Because it is ruinous to the whites, retards improvement, roots out an industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support. Our towns are stationary, our villages almost every where declining, and the general aspect of the country marks the curse of a wasteful, idle, reckless population, who have no interest in the soil, and care not how much it is impoverished."

Mr. Chandler, of Norfolk :

"I took occasion to observe that I believed the people of Norfolk county would rejoice could they, even in the vista of time, see some scheme for the gradual removal of this curse from our land. I was desirous to see a report from the committee declaring the slave population an evil, and recommending to the people of this Commonwealth the adoption of some plan for its riddance."

Mr. Berry, of Jefferson :

"Sir, I believe that no cancer on the physical body was ever more certain, steady, and fatal in its progress than is this cancer on the political body of the State of Virginia. I admit that we are not to be blamed for the origin of this evil among us ; we are not to be blamed for its existence now, but we shall deserve the severest censure if we do not take measures, as soon as possible, to remove it."

Mr. Faulkner, of Berkeley :

"Sir, there is one point in which I do most sincerely agree with those who are arrayed against me in this discussion. It is that the proposed inquiry is one of great delicacy and transcendent importance. The revolution which agitated this Commonwealth fifty years ago, great and important as it was, involved in its results but a change of our political relations with the mother country. This measure, should it prove successful—and that it must, sooner or later, no individual in this House can now reasonably doubt—must involve in its consequences a moral, physical, and political revolution in this State; a revolution which will be beneficially felt by every great interest in the Commonwealth, and by every slaveholding State upon this continent. I shall ever reckon it amongst the proudest incidents of my life that I have contributed my feeble aid to forward a revolution so grand and patriotic in its results. The idea of a gradual emancipation and removal of the slaves from this Commonwealth is coeval with the declaration of your independence of the British yoke. It sprung into existence during the first session of the General Assembly subsequent to the formation of your republican Government. It was proper; there was a fitness of things in the fact that so beneficent an object as the plan for the gradual extinction of slavery in this State should have been the twin offspring of that mind which gave birth to the bill of rights and to the act for religious freedom. A fact so honorable to the public spirit and humanity of that age, so worthy of the genius and expanded philanthropy of those with whom it originated, cannot be too often recurred to, nor too proudly cherished. Slavery, it is admitted, is an evil. It is an institution which presses heavily against the best interests of the State. Being thus injurious, have we not a right to demand its extermination?"

Mr. McDowell, of Rockbridge :

"We know that the blessings of our position and soil and climate are countervailed by the apathy of our public counsels, and by our exclusive reliance upon involuntary labor. Our interests and senses proclaim the progress of general decline; conscience and experience attest that slavery is its principal cause. Do we not contemplate Virginia justly when we regard her as meager, haggard, and enfeebled, with decrepitude stealing upon her limbs, as given over to leanness and impotency, and as wasting away under the improvidence and the inactivity which eternally accompany the fatal institution which she cherishes, and cherishes, too, as a mother who will hazard her own life, rather than part even with the monstrous offspring that afflicts her? If I am to judge from the tone of our debate, and from the concessions on all hands expressed, there is not a man in this body, not one perhaps that is even represented here, who would not have thanked the generations that have gone before us, if, acting as public men, they had brought this bondage to a close; who would not have thanked them, if, acting as private men, on private motives, they had relinquished the property which their mistaken kindness has devolved upon us. In this investigation there is no difficulty; nothing has been left to speculation or inquiry; for, however widely gentlemen have differed upon the power and the justice of touching this property, they have yet united in a common testimony to its character. *It has been frankly and unequivocally declared, from the very commencement of this debate, by the most decided enemies of abolition themselves, as well as by others, that this property is 'an evil;' that it is a dangerous property.*"

I have shown, Mr. President, at the hazard of making myself tedious to the Senate, that the agitation of the subject of slavery, with a view to effect its abolition, commenced in the South three-quarters of a century ago, and that Southern statesmen were the agitators. And I have also shown that no further back than 1832 the ablest men in Virginia did not hesitate to declare that property in slaves was an evil; that it was a dangerous property; and that it was a blighting, withering curse upon the land. Now, Mr. President, if these views in regard to slavery, expressed in the Legislature of Virginia, be correct—and allow me to say that they are so considered by the almost entire North—how can Southern Senators rise in their places and seriously urge us to aid them in introducing into California and New Mexico this evil, this dangerous species of property, this blighting, withering curse upon the land? These Territories are soon to become States of this Union, and is it not our bounden duty, while they are under our exclusive jurisdiction, to see to it that no element of weakness or of danger is introduced into them? Most certainly it is. Entertaining, then, the opinions I have expressed, we of the North have but one course to pursue, and that is to protect the Territories, if we can, from the intrusion of slavery.

I pass, Mr. President, to the second branch of my first proposition, namely, that the agitation of the slave question was forced upon the people of the North by the aggressions of the slave power upon their rights. South Carolina has been in the habit, since 1822, under a State law, of taking from Northern vessels colored seamen, citizens of Northern States, and imprisoning them while the vessel remains in port, and selling them into slavery to pay the jail fees, unless they are paid by the owner



or consignee of the vessel. I have the law under which these enormities have been committed before me, and the opinion of the Attorney General, Mr. Wirt, declaring it unconstitutional. The law reads as follows:

"Sec. 2. If any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail until said vessel shall clear out and depart from this State; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free person of color; and to pay the expenses of his detention; and in case of his neglect or refusal to do so, he shall be liable to be indicted, and, on conviction thereof, shall be fined not less than \$1,000, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act passed December 20th, 1820."

Yes, sir, our free citizens, if found on board of any vessel, in any port or harbor of South Carolina, guiltless of crime, save the color of their skin, "shall," says the law, "be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act passed December 20, 1820. Shortly after the passage of this law, Mr. Justice Johnson, a native of South Carolina, and then a distinguished judge of the Supreme Court of the United States, in the case of a British colored seaman who had been seized and imprisoned under the law, said, "in regard to its unconstitutionality, it is not too much to say it will not bear an argument; and I feel myself justified in using this strong language from considering the course of reasoning by which it has been defended."

The proceedings of South Carolina are not only irritating, but exceedingly inconvenient to the North. The services of colored seamen are needed on board the vessel, and, being citizens of the Northern States, and "entitled to all privileges and immunities of citizens in the several States," their imprisonment, for no other crime than their color, is oppressive, unjust, and unconstitutional. And Massachusetts, regarding it in this light, and having experienced much inconvenience from the imprisonment of her seamen, sent one of her most respectable citizens (Mr. Hoar) to Charleston, South Carolina, for the purpose of making some arrangement to test the constitutionality of the law in question before the judicial tribunals of the country. And how, Mr. President, was the agent from Massachusetts received in Charleston? Why, sir, the moment he made known his business he was treated with great rudeness, and driven, with his accomplished daughter, by a mob from the city! South Carolina not only refused to test the validity of her law before her own tribunals, but insulted and abused the agent who, in a friendly manner, applied to her to do it. These acts of outrage and violence were calculated to irritate the people of the North and put them on the defensive. They regarded the law of South Carolina as an aggression on their rights, and believed it to be unconstitutional, and all they desired to do was to test its validity before the judicial tribunals of the country.

What reasonable objection could the people of South Carolina have had, if they had been disposed to deal justly with the North, to the arrangement proposed by Massachusetts? If their law turned out to be constitutional, it would stand; if unconstitutional, it ought to fall. But South Carolina did not stop here in her aggressions upon Northern rights and the rights of Northern freemen. In December, 1824, another law was passed depriving all free colored persons, imprisoned under her act of 1822, of the writ of *habeas corpus*. So you see, sir, that our imprisoned seamen have no remedy for the grievous wrongs inflicted upon them. No process can be sued out by them or their friends to test the constitutionality of the law under which they are restrained of their liberty. Hopeless bondage is their condition, unless redeemed by the master or consignee of the vessel to which they belong.

But, Mr. President, South Carolina is not alone in her acts of aggression on Northern rights. Louisiana and Alabama have laws of a similar character; and, if I have not been misinformed, an agent sent from the North to New Orleans to make some arrangement to test the constitutionality of the law of Louisiana, was obliged to leave the city to save himself from personal violence. The South, I know, contend with great confidence that these laws are constitutional; and the North, with equal confidence, contend that they are unconstitutional. Here, then, is an issue formed between the two sections of the Union upon a great constitutional question. And how, I ask, can it be settled, but by the judicial tribunals of the country? And is it too much for the North, in the spirit of kindness, to ask for such settlement?

But I pass, sir, to notice briefly other grievances of which the North complain. The great right of petition, secured by the Constitution to the people of all the States, has been not only abridged, but virtually denied to the people of the North by a standing rule of the House of Representatives, adopted by Southern votes. No petition touching the subject of slavery or the slave-trade in the District of Columbia, or in the Territories of the United States, could, under the rule, be received, read, or referred. This proceeding in the House of Representatives was regarded by the people of the North as a direct attack upon the right of petition—a right without which no people can be free. They knew that petitions touching the subject of slavery, and praying the exercise of all the power Congress possessed for its abolition, had been received and considered in the House of Representatives from 1789 up to the period of the adoption of the rule. And they knew, too, that Congress had in numerous instances exercised the power of excluding slaves from the Territories of the United States.

No wonder, then, that the attention of the North was directed to the subject of slavery and its power in the councils of the nation. No wonder that excitement and agitation followed the denial of a right so dear to the people. Mr. President, if the wise men of the South had assembled in convention to devise ways and means to irritate and provoke the people of the North, and force them into the discussion of the slave question, they could not have hit upon a plan so well calculated to accomplish their object, as the rule of the House of Representatives to which I have referred. It was a bold attempt, not only to stifle the voice of the people on a great question of human rights, but to close the



only channel through which they could approach the Government for a redress of grievances. And, like every other attempt to silence the complaints of the people, against what they regard to be acts of injustice and oppression, it increased them a thousand fold. Yes, Mr. President, thousands and tens of thousands of sober-minded men, who, up to that time, held no sympathy with the little band of abolitionists in the North, rushed to their standard in vindication of the great right of petition. I well remember the excitement that prevailed in my own State when the news arrived that petitions praying for the abolition of slavery and the slave-trade in the District of Columbia, and in the Territories of the United States, had been excluded from the halls of Congress. Public meetings were held, exciting addresses were delivered; and resolutions were passed, declaring that the aggressions of the slave power had become intolerable, and must be resisted.

But, Mr. President, the aggressions of the South upon the rights of the North did not stop here. The mails of the United States were violated to search for what the South called incendiary publications. Yes, sir, an espionage was established over the post-offices of the country, to prevent the circulation of such publications and communications as did not suit the taste of slaveholders. Notwithstanding the highly penal laws for the security of all matter committed to the mail, many packages from the North were broken open in the slave States, and destroyed before they reached the persons to whom they were directed. The North protested in the most solemn terms against this violation of their rights, and claimed the protection of the law for their correspondence. But in vain; slavery had paralyzed the arm of the Government, and no remedy for the evil could be applied. These, Mr. President, are some of the aggressions of the South on the rights of the free States. But we have no idea of flying into a passion and threatening to secede from the Union because injustice has been done us. No, sir, we mean to remain in the Union, and under its flag contend for our rights.

And now, sir, if in the contest that has been for years going on between the two sections of the country, slavery has been wounded and crippled by the North, who provoked the quarrel? Who made the first assault? Who struck the first blow? Southern Senators should seek for truthful answers to these questions, before uttering another complaint against the North for agitating the subject of slavery.

I pass, Mr. President, to what the Senator from South Carolina, (Mr. CALHOUN, now deceased, and whose death we all sincerely deplore,) said, in his last speech in this Chamber, might be regarded as the great and primary cause of discontent on the part of the South. That is, the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed, not by the operation of time, but by the legislation of Congress. This, sir, is the great reason why, in the opinion of the Senator, the South can no longer remain in the Union with safety and honor. With all respect for the opinion of others, I must be allowed to say that no equilibrium ever existed between the two sections of the Government, that is, between the free and the slave States. The statistical statement presented by the honorable Senator himself shows that the free States have had a majority of the population, and a majority in both branches of Congress, from 1789 up to the time the Senators from Texas took their seats in this Chamber, in February, 1846. Now, Mr. President, strange as it may seem, the slave States, all the while in the minority in Congress, and in the electoral colleges, have controlled the legislation of the Government, and directed the destiny of the country, from 1800 up to the present time. They have had the President and a majority of the Cabinet forty-eight years out of sixty, and the Speaker of the House of Representatives two-thirds of the time since the Government went into operation. They have always had a majority of the judges of the Supreme Court and of foreign ministers; and a much larger share of the officers of the army and navy than their population entitled them to; and they have also had, and still have, more than their share of the heads of bureaus and clerks in this city. But this is not all, sir. They have been from time to time increasing their power in the halls of Congress. They have created four new slave States out of territory within the jurisdiction of the Old Thirteen, to wit, Alabama, Mississippi, Kentucky, and Tennessee, now represented on this floor by eight Senators, and on the floor of the other House by thirty-two Representatives. But, sir, with this increase of strength the slave States were not contented. They looked beyond the jurisdiction of the United States for foreign territory to increase their power. Louisiana was acquired from France in 1803, and out of it three slave States have been created, now represented on this floor by six Senators, and on the floor of the other House by ten Representatives. Next came Florida from Spain, in 1819; and out of that territory another slave State has been created, adding two Senators to this body, and one Representative to the other branch of Congress. Well, sir, have we no free States created out of territory acquired since the peace of 1783? Yes, sir, we have one, and only one—Iowa, with two Senators here, and two Representatives in the other end of the Capitol. Four slave States, with eight Senators and eleven Representatives, to one free State, with two Senators and two Representatives! This surely looks as though the slave States could take care of themselves.

But, Mr. President, there is yet another acquisition of foreign territory made by the South, which deserves special notice. I mean the acquisition of Texas, out of which one slave State has been created, and provision made for four more States of the same character. But few persons in the country know, to this day, how that wonderful work of Texas annexation was finally accomplished by slave power. I will tell you, sir, how it was done. But, before speaking of the *modus operandi*, I desire to say a word in regard to the territory belonging to the United States out of which it was expected new States would be created. When the scheme for the annexation of Texas was started, we had thirteen free and thirteen slave States. Florida was the only Territory belonging to the Union out of which another slave State could be created; and this the South had sagacity enough to discover. On the other hand there was Wisconsin, and all the country we acquired by our Louisiana purchase north of 36° 30', for free States. So it was apparent that the slave States must be limited to fourteen, while the free States would continue to increase, and in a few years, in all human proba-



ity, reach the number of twenty, and perhaps twenty-five. In this posture of affairs Texas was regarded by the South as a desirable acquisition, and Southern politicians set themselves to work to obtain it. Now, sir, for the *modus operandi*. A treaty was negotiated, ceding the country to the United States for the avowed object of extending and perpetuating slavery. The Northern Democratic press denounced the measure with great violence, and called on Democratic Senators from the free States to oppose it. Well, sir, the treaty was transmitted to the Senate for ratification by President Tyler in 1844, and Northern Democratic Senators voted against it, and it was rejected. Yes, then the Northern Democracy in this Chamber could not endure the idea of adding to the Union four or five more slave States by the acquisition of Texas; then the voice of the people, their masters, was sounding in their ears, and they dared not disobey it. The rejection of the treaty, however, was not a temporary defeat of the measure. Southern politicians soon devised another mode of annexation that proved more successful. They carried the measure into the Baltimore Convention, assembled in May, 1844, to nominate candidates for President and Vice President, and there made it a party question. Among the resolutions passed by the Convention was one in favor of the re-annexation of Texas, and it went out to the country as a part of the Democratic creed. Mr. Van Buren, the most prominent candidate before the Convention for the nomination, was rejected because he had written a letter against annexation; and Mr. Polk, who had expressed an opinion favorable to the measure, received the nomination. Well, sir, Mr. Polk, as we all know, was elected President of the United States by the votes of the Northern Democracy.

Soon after the Baltimore Convention the tone of the Northern Democratic press changed. Nothing was heard about the extension and perpetuation of slavery. The acquisition of Texas was declared to be a measure of great national concern, and designed to extend the area of freedom. Well, sir, in December, 1844, after the Presidential election, Congress assembled, and a joint resolution for annexing Texas to the United States passed the House of Representatives, and was sent here for the concurrence of the Senate. What course Democratic Senators from the North would take on the question was a matter of some doubt. One Southern Senator (Mr. BAGBY) and three or four Northern Senators, of the Democratic party, doubted the constitutionality of the House resolution, and expressed a determination not to vote for it. In this condition of affairs Mr. Walker, of Mississippi, a member of the Senate, offered an amendment to the House resolution in the words following: "That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the aforesaid resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic," &c.

The amendment was adopted, and Northern Democratic Senators, after obtaining a solemn pledge from both the acting President and the President elect, that the House resolution should not be presented to Texas as an overture for admission, voted for the amended resolution, and it passed by a vote of 25 to 26. Now, Mr. President, the honorable Senator from Illinois (Mr. DOUGLAS) says there is an inconsistency in the votes given by Democratic Senators from the North touching the question of annexation. They voted against the treaty, he says, in 1844, because its avowed object was the extension and perpetuation of slavery; and they voted to annex the same country to the United States in 1845, because it was a great national measure, designed to extend the area of freedom. Both reasons urged by the Senator for the votes given are no doubt very good ones; but I must be allowed to say that I am unable to discover how the area of freedom can be extended by creating and admitting to the Union new slave States. It looks to me, I must confess, a little more like extending the area of slavery than the area of freedom.

The brief history I have given of the annexation of Texas, shows that the slave power manage all transactions touching its interest with great skill and dexterity; and I am sorry to say it also discloses in the transactions any thing but honorable to the parties concerned in them. I allude, sir, to the pledge given by the acting President and the President elect to certain Northern Democratic Senators, that the House resolution, if passed by the Senate with Mr. Walker's amendment, should not be presented to Texas as an overture for admission, but that the country should be acquired, if acquired at all, by negotiation and treaty. I have said enough, sir, on this branch of the subject to show that the free States are not quite so weak and powerless as they have been represented to be. Equilibrium, or equilibrium, they have had things pretty much their own way for the last half century. I do not wish to be understood as casting the least degree of censure upon Southern politicians for the skill and dexterity with which they manage their affairs. No, sir; I find no fault with the unanimity of action, or with the adroitness they display in arranging their party machinery, to bring in a portion of the North to the support of their measures. If they move their men upon the political chess-board with more skill than we do, it is our fault, not theirs.

Now, Mr. President, it is time to pass to the legislation of the Government, said to have been so injurious to the South. The first in the series of acts complained of is the ordinance of 1787. That ordinance is not chargeable to the North. It was concurred in by all the States in the Confederacy. South Carolina gave it her unanimous support. Indeed there was but one vote against it, and that was from the North. The interest manifested in support of the ordinance was stronger in the South than in the North. Surely, then, it furnishes no good cause for discontent on the part of the South. It has it, in any way or manner, retarded the growth or prosperity of that section of the country. It has added to the Union five magnificent free States, now in the full enjoyment of the highest degree of prosperity. And, sir, in my humble judgment, if the South had followed the example of the North, and substituted free for slave labor, and manufactured her own great staple, she would at this day have been the Manchester of America.

The brief history of the ordinance will show that the Southern States had no desire to extend slavery beyond its then existing limits. In the Congress of 1784, the first after the peace of 1783, a committee consisting of Mr. Jefferson of Virginia, Mr. Chase of Maryland, and Mr. Howell of Rhode



Island, reported a plan for the government of the Western Territory. Mr. Jefferson was the author of the document. It contained the following provision: "After the year of 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than the punishment of crimes, whereof the parties shall have been duly convicted to have been personally guilty."

On the 13th of April the above clause was stricken out; not, however, upon the ground that the slaveholding States desired to occupy the territory with their slaves, or that the power to enact prohibition was doubted. No such objections were urged against the measure. Slavery was regarded on all hands as a great moral and political evil, and all desired its abolition as soon as it could be brought about with safety. The provision was objectionable to the States tolerating slavery, because it contained no provision for the restoration of fugitive slaves escaping into the Territory. This was apparent from the vote of the States on the proposition. Mr. Speight, of North Carolina, moved to strike it out; and on the question, shall the words moved to be stricken out stand? the yeas and nays were required by Mr. Howell, and ordered. Seven States, viz: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, voted yes; Maryland, Virginia, North Carolina, and South Carolina, voted no. Georgia and Delaware were not represented in the vote. So the proposition, not receiving the requisite number of votes, was stricken out. The slaveholding States voted against the motion to strike out, and the slaveholding States for it.

On the 16th of March, 1775, Rufus King, a member from Massachusetts, moved the following resolution: "There shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the parties shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution between the thirteen original States and each of the States described in the said resolve of the 23d of April, 1784." On the motion to commit the foregoing proposition, eight States voted in the affirmative, to wit: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland; four in the negative—Virginia, North Carolina, South Carolina, and Georgia.

This proposition Maryland was willing to adopt, but it was objectionable to the other slave States because it made no provision for the restoration of their fugitive slaves.

On the 13th of July, 1787, the ordinance was again referred to a committee, composed of Mr. Madison of Virginia, Mr. Dane of Massachusetts, Mr. R. H. Lee of Virginia, Mr. McKean of South Carolina, and Mr. Smith of New York.

The committee reported the ordinance, with the following article:

"There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than the punishment of crimes whereof the party shall have been duly convicted: *Provided, always,* that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

This article, thus framed, passed unanimously, every State voting for it.

The adoption of the ordinance was regarded as a settlement of the question of slavery extension for all time to come. It fixed upon a line, with the consent of the South, never to be obliterated, beyond which slavery should not pass. The slave States set up no claim to carry slaves into the territory that was the common property of the Union, and the free States consented to allow the reclamation of fugitive slaves, *by any one of the original States*, within the territory. This was the bargain contracted between the parties under the Confederation, and it was in no way annulled or impaired by the Constitution. The proviso to the ordinance was, in substance, though somewhat enlarged, introduced into the Constitution. The limitation upon slavery was omitted, because all the territory belonging to the Union had been secured to freedom by the ordinance. It is quite clear to my mind, that the extension of another slave State was not expected by the Congress of 1787, for the right to reclaim fugitive slaves was confined to the *original States*. If the extension of slavery into new States had been expected, the right of reclamation would not have been confined to the States *then existing*. But, it is time to pass to another branch of the subject.

The next act in the series of which the South complains, is the system of revenue and disbursements adopted by the Government. Now, sir, if our revenue system has proved injurious to the people of the South, they have no cause of complaint against the North. The earliest and most able supporters of the system were from the South; its most determined opponents from the North.

If there be any truth in history, the system was forced upon the country by the South, against the almost unanimous vote of New England. The revenue bill of 1816, the first containing the minimum principle of valuation, and designed to protect the cotton interest, was reported by Mr. Lowndes of South Carolina, and supported in a speech of great ability by Mr. Calhoun, then a member of the House of Representatives. The revenue bill of 1824, increasing the duties on imports, was also carried by the South against the votes of New England. Protection to domestic manufactures having become the settled policy of the Government, by Southern votes, and the people of the North relying on the faith of the legislation to which I have referred, having invested \$300,000,000 in manufacturing capital, have a right to insist on the continuance of the policy. Yes, sir, without a word of complaint, or a murmur of discontent on the part of the South, the people of the North have to put forth all their energies to uphold and sustain the system.

I pass, Mr. President, to the Missouri compromise, the third act in the series complained of by the South. For that measure the North are not responsible. It was carried by Southern votes, and should not now be conjured up as a cause of discontent on the part of the South. The distinguished Senator from Kentucky, (Mr. CLAY,) in his very able and eloquent speech, delivered on the 2d of February last, says:



take this occasion to say, that among those who agreed to that line (the Missouri compromise) were a majority of Southern members. My friend from Alabama, in the Senate, (Mr. KING,) McKenney, from Maryland, and a majority of the Southern Senators in this body, voted in favor of the line of 36° 30'; and a majority of the Southern members in the other House, at the head of which was Mr. Lawrence himself, voted also for that line. I have no doubt that I did also; but, as I was Speaker of the House, and as the Journal does not show what was the Speaker's votes, except in case of a tie, I am not able to tell with certainty how I actually did vote; but I have no earthly doubt that I voted in common with many other Southern friends for the adoption of the line of 36° 30'.

I suppose, sir, is evidence enough to show that the Missouri compromise line was a Southern measure. There were in the House of Representatives but seventeen votes from the Northern States for it.

The fourth and last act in the series, causing discontent on the part of the South, is the exclusion of the Oregon Territory. This measure, I admit, was carried by Northern votes; but it might have become a law without the approval of a Southern President. It was in the power of the President to have defeated the measure by his Executive veto, if he had been disposed so to do. The prohibition of slavery in the Oregon Territorial bill was the first victory ever won by freedom over slavery in the halls of Congress. And, in my humble opinion, if that bill had been defeated, we should have heard of no wide-spread discontent in the South, of no "belief of the people in the South that they cannot remain, as things now are, consistently with honor and safety in the Union." The South opposed the bill with great zeal and vehemence, and for a great length of time, but it commanded a majority of votes in both branches of Congress, and, according to the forms of the Constitution, became the law of the land.

Now, I believe, Mr. President, briefly noticed all the causes of discontent mentioned in the speech of the honorable Senator from South Carolina; and, in my humble judgment, they do not furnish the grounds for disunion. The people of the North have causes of complaint of a much more substantial character against the South, but they have never thought of disunion as a remedy for their grievances. No, sir, they regard the Union as the greatest blessing they enjoy, and no aggression on their right, however flagrant, will weaken their attachment to it. But the discontent in the South, which has brought the Union into imminent danger, and the question has been asked, how can it be preserved? The Senator who propounded the question condescended to answer it. He says the North, and the South alone, in one way, and only in one way, can save it, and that is, "to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled; to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will settle the South, in substance, the power she possessed of protecting herself before the equilibrium of the sections was destroyed by the action of this Government."

Now, Mr. President, that the preservation of the Union depends upon the performance of all these conditions on the part of the North? If it does, I despair of it; its days are numbered, and the darkness will soon be upon us. We claim no exclusive right to the territories belonging to the Union. They are open alike to the North and the South. But the local institutions of neither section of the country can be carried into them. The banker of the North, who issues his bills by authority of a law of the State in which he resides, cannot carry his bank charter to California or New York, and issue his bills there. Nor can the planter of the South, who holds his negroes in bondage by authority of the local law of his State, carry them into the territory of the United States, and hold them in bondage there. The people in both sections of the country are on a perfect equality as to rights in the territory belonging to the Union. That slavery is a *status* unknown to the common law, and contrary to the law of nature, and exists only by positive legislative enactment, is a question open to discussion. It has been settled over and over again by the highest judicial tribunals in both the slave and the free States.

The people of the North, as far as I know, stand ready faithfully to fulfil all the stipulations of the Constitution relative to fugitive slaves. But, sir, a difference of opinion exists between the two sections of the country as to the measure of duty on the part of the free States. We stand upon the decision of the Supreme Court of the United States, in the case of Prigg against Pennsylvania, and maintain that our true measure of duty is there laid down, and we conform to it. Congress having regulated the mode of reclamation by the act of 1793, the States have no constitutional power to legislate on the subject. The whole matter is under the exclusive jurisdiction of the Federal Government. The States, therefore, have nothing to do but remain passive. They may, however, if they choose, prevent their officers from acting under the law of 1793. And now, sir, if we in all things conform to the opinion of the Supreme Court of the United States, touching the reclamation of fugitive slaves, what cause of complaint against us? I apprehend not. But unconstitutional laws, it is said, have been passed in the free States, not only impeding, but rendering it almost impossible for the master to reclaim his fugitive slave. Well, sir, it is quite possible that some of the Northern States, provoked and irritated by the imprisonment and sale into slavery of their free citizens in the ports of the South, for no crime but their color, have passed laws designed to prevent their own citizens, which have turned out to be unconstitutional. But, sir, the moment the decision of the Supreme Court of the United States, in the case of Prigg vs. Pennsylvania, became known to the country, all State laws in any way conflicting with it were promptly repealed. The obligations of the people in the free States, in my humble judgment, stand ready to fulfil all their constitutional obligations to the South, in regard to the surrender of fugitive slaves. They regard the Constitution as the supreme law of the land, and no conscientious scruples will deter them from faithfully obeying all its provisions. Sir, if there were an article in that sacred instrument that I could not



sustain and carry out, without doing violence to my conscience, I would retire from public life and pray God to forgive me for having sworn, at your desk, to support it.

In regard to the agitation of the slave question, I have but a word to say. That will, no doubt, cease, when the aggressions of the slave power upon the rights of the North cease, and not before. But I will say here, that the subject of slavery, as it exists in the States of the Union, we do not discuss. It is a subject with which we have nothing to do. We are in no way responsible for it, at present. It is a subject about which we say nothing. But the propriety of sustaining slavery in the District of Columbia, the expediency of introducing it into the free Territories of the United States, are questions in which we have an interest, and we do discuss them, and we shall continue to discuss them, until they are settled by the constitutional tribunals of the country; and, when settled, we shall acquiesce in the decision, without any threats of secession or disunion.

But, Mr. President, conceding to the South (what has never been denied her) an equal right to acquired territory, ceasing the agitation of the slave question, and faithfully fulfilling all constitutional stipulations relative to fugitive slaves, cannot, it is said, save the Union. The North must go further, and "provide for the insertion of a provision in the Constitution, by amendment, which will give to the South, in substance, the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this Government!" In other words, the North, in order to save the Union, must provide for the insertion of a provision in the Constitution, by amendment, which will enable the slave States, a minority in both branches of Congress, to control the legislation of the Government, and direct the destiny of the country for all time to come! This, sir, the least of it, is a bold proposition. It is a direct call upon the majority of the sovereign people to surrender the political power of the country into the hands of the minority! It proposes to change the entire character of the Government, and make it what its founders never intended it should be, a pro-slavery Government. The discontent on the part of the South grows out of her inability to introduce slavery into the free Territories of the United States, for the purpose of increasing her political influence in the halls of Congress. And is it reasonable, after the creation of nine slave States since the organization of the Government in 1789, to call on the North to provide for an amendment of the Constitution so as to enable the South to plant slavery in California and New Mexico, where it now does not exist? No, sir, *such* a call for *such* a purpose is both unwise and unreasonable, and will never be listened to by the North. If the slave States prefer disunion and all the horrors of war to the Constitution as it is, they must try them and abide the consequences.

But Mr. President, it would be well for Southern politicians, who boast of slavery as an element of their strength in time of war, and talk of raising armies to disperse Congress, and make the North feel their strength, to examine with great care the military statistics of the war of independence, and see how they lift a hand against the integrity of the Union. They may find facts there disclosed, not only encouraging to the enterprise in which they are threatening to engage. The whole number of troops furnished the continental armies during the Revolution was 261,014; of these the four New England States furnished 147,441, more than one-half of the whole number. The three Middle States, New York, New Jersey, and Pennsylvania, furnished 56,576. The six Southern States, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, furnished 56,997. Of the troops furnished by New England, Massachusetts supplied 68,000! twelve thousand more than the six Southern States I have mentioned. Surely, Massachusetts occupies a proud position. Well did the distinguished Senator exclaim, "There she stands! Look at her! She needs no eulogy!" The troops furnished by the Southern States, South Carolina supplied 3,872, and Georgia 2,697!

Thus you see, sir, that while the slave States discharged their whole duty in the military service of the Revolution, the Middle and New England States far exceeded theirs: The proportion of troops to the population in the New England States was..... 1

For the Middle States..... 1

And in the six Southern States..... 1

It is no part of my purpose, sir, to undervalue Southern effort in the great struggle for independence; or to claim for New England and the Middle States honor that do not belong to them. The 600,000 slaves in the Southern States, when the war broke out, furnish, no doubt, the reason why more men could not be spared for the continental army. A military force was necessary at home to restrain the slaves from rebellion. Surely, then, the objections against slavery urged by Mr. Garrison and others, in the Federal and State Conventions, were well founded. It does weaken the State in which it exists, and renders them less capable of self-defence. In Mississippi, South Carolina, and Georgia, the number of slaves exceeds that of the white population. And now, I ask, are these States as strong and as capable of self-defence as they would be if slavery did not exist within them? Certainly not. They are greatly weakened and endangered by the character of their population. In case of a war of invasion, most of their military force would be needed at home to hold their slaves in subjection, and the whole burden of defending the country would be thrown upon the other States.

But, sir, I will now leave this branch of the subject, and pass to notice the application of California for admission as a State of the Union. By our treaty with Mexico we are bound to admit California into the Union at the proper time, (to be judged of by Congress,) and the question is, has the time arrived? The treaty of peace was exchanged and ratified at Queretaro on the 30th day of February, 1848, and from that day to this Congress has provided no government whatever for California. She has been left without law or order, to shift for herself. She was entitled to a government, and arrangements could be made for her admission as a State of the Union; and it was the bounden duty of Congress to provide one for her. That duty has been neglected, and California has done what she had a right to do, called a Convention, adopted a constitution, republican in its character, and established a government for herself. She now comes with her constitution in one hand, and the treaty with Mexico in the other, and knocks at our door for admission. We do not bid her come.



turn her away, because she has protected herself from outrage, bloodshed, and murder, without consent. All the quibbling of special pleading is resorted to to exclude her from the sister-States. It is objected, 1st. That the present Administration sent out an agent (the honorable Butler King) to influence the people to call a Convention and adopt a constitution excluding slavery. This is denied and not proven. Mr. King says, in his report on California, that he had no instructions, verbal or written, from the President, or any one else, what to say to the people of California on the subject of slavery; and that it was never hinted or intimated to him that he was expected to attempt to influence their action in the slightest degree on that subject. And he further says he never did attempt to exert the least degree of influence over the people of that country on the subject of slavery. In the second place, it is objected that no act of Congress was passed authorizing the people of California to call a Convention and form a constitution. Eight out of the fifteen States since the adoption of the Constitution were received into the Union without any such legislation on the part of Congress. In the third place, it is objected that no census was taken before the constitution was called and the constitution adopted. That was unnecessary. The only object of a census is to show that the Territory has the requisite population for a State; and that may be proved in any other way as well as by a census. Many of the States heretofore admitted have been received into the Union without proving the number of inhabitants by a census. The ratio of representation was fixed in 1790, at 30,000; but the law establishing it expressly provides that any State having an excess beyond that ratio shall be entitled to an additional representative. A population, therefore, of 100,000 entitles California to two representatives. The evidence before Congress upon this subject is, in my mind, beyond a reasonable doubt, that California has a population more than sufficient to entitle her to two representatives. The memorial of the Senators and Representatives from California to Congress of the United States shows that the population of the State on the 1st of January, 1848, was over 107,000—and it has greatly increased since that time. Texas, with a population of 100,000, was admitted with two representatives; and why, I ask, should California, with a population one-third larger than Texas, be excluded? Is a slave State entitled to admission with two representatives with a less population than a free State with the same representation? I apprehend it is objected, in the fourth place, that the State is too large. I know, sir, that it is a large State. It would be better pleased if it were smaller. I think it comprises territory enough for three free States. And that we ought to have six Senators instead of two from it. But it is not half as large as Texas, and no objection was raised on the part of the South to her admission on the ground that we were admitting too large a State. All these objections, Mr. President, relate to mere matters of form—matters of no substance in them. They may and should be waived. The real objection on the part of the South is, in my humble opinion, concealed. Southern Senators do not like to come out and say that the exclusion of slavery is the ground of their opposition, for it would be a repudiation of their doctrine set forth in a resolution introduced by Mr. CALHOUN in February, 1847. The resolution is in the following words:

Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and in conformity thereto no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be 'republican,' and that the imposition of any other by Congress is not only in violation of the Constitution, but in direct conflict with the principle on which our political system rests."

President Polk, in his message of December 5, 1848, speaking of the organization of Territorial governments for California and New Mexico, and the power of Congress to legislate on the subject, says:

Whether Congress shall legislate or not, the people of the acquired Territories, when assembled in Convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits."

The doctrine of Mr. Calhoun and Mr. Polk the people of California adopted, and have acted upon. They have now come here in good faith, with just such a constitution as those gentlemen and the South said they had a right to form, and every obstacle that the ingenuity of man can devise is removed in the way of their admission into the Union. It has been said, over and over again in this Chamber, that California has a large majority of Senators in her favor. If so, why not admit her at once? Why delay her for the settlement of vexed questions with which she has no connexion? Why not let her admission to do with the question of freedom or slavery in the Territories? What has to do with the capture of fugitive slaves? with the boundaries of Texas? or with slavery in the Territories of Columbia? It seems to me that every fair-minded man must say at once that California has a right to do with these questions; and that she has a clear right to stand upon her own merits, untrammelled by any other subject. It is unjust both to California and the Senate to tack the Territorial bill and the bill for the settlement of the Texan boundary on to the bill for the admission of California. There are many Senators who would vote for the admission of California in a bill by itself, but who will not vote for her connected with the other measures to which I have referred. I can vote for Territorial bills without a clause in them inhibiting slavery. I am no believer in the doctrine that slavery is excluded from California and New Mexico "by the law of nature, of physical geography, the law of the formation of the earth." No, sir; slavery once existed there, and will, undoubtedly, in my judgment, exist there again. Southern Senators now insist upon the peculiar fitness of slave labor to the development of the mineral treasures of the country. Hear their words. On the 23d of February, 1849, Mr. FOOTE, of Mississippi, said:

I am acquainted with the vast mineral resources of California and New Mexico, and who is to be benefited by the peculiar adaptedness of slave labor to the development of mineral treasures, can doubt



for a moment that were slaves introduced into California and New Mexico, for the purpose of being employed in the mining operations there in progress, and hereafter, perhaps, to be carried on to the extent conjectured of by few, their labor would result in the acquisition of pecuniary profits not before realized by the most successful cotton and sugar planters of the country."—*Appendix to the Globe*, p. 262.

The Hon. Senator from Virginia, in his able speech, says that—

"We have heard here from various quarters, and from high quarters, and repeated on all hands repeated here again to-day by the honorable Senator from Illinois, (Mr. SHIELDS)—that there is a law of nature which excludes the Southern people from every portion of the State of California. I know of no such law of nature—none whatever; but I do know the contrary, that if California had been organized with a territorial form of government only, and for which, at the last two sessions of Congress, she has obtained the entire Southern vote, the people of the Southern States would have gone there freely, and have taken their slaves there in great numbers. They would have done so, because the value of the labor of that class would have been augmented to them many hundred fold. Yet in the debates which took place in the Convention in California which formed the constitution, which any Senator can now read for himself, after the provision excluding slavery was agreed to, it was proposed to prohibit the African race altogether, free as well as bond. A debate arose on it, and the ground was distinctly taken, as shown in those debates, that if the entire African race were excluded, their labor would be found so valuable that the owners of slaves would bring them there, even though slavery were prohibited, under a contract to manumit them in two or three years. It required very little reasoning, on the part of those opposed to this class of population, to show the productiveness of their labor would be such as to cause that result. An estimate was gone into with reference to the value of the labor of this class of people, showing that it would be increased to such an extent in the mines of California that they could not be kept out. It was agreed that the labor of a slave in any one of the States from which they would be taken was not worth more than one hundred or one hundred and fifty dollars a year, and that in California it would be worth four to six thousand dollars. They would work themselves free in one or two years, and the country would be filled by a class of free blacks, and their former owners have an excellent business in taking them there."

The honorable Senator from Mississippi (Mr. DAVIS) insists that slavery is a valuable institution in a soil and climate like Mexico; and that slave labor would be profitable in California and Mexico. And he further insists that slavery never has been legally abolished in Mexico; that it is now a slave country.

But this is not all. The following advertisement appeared in the *Mississippian* of the 7th March 1850, published at the city of Jackson, Mississippi:

"CALIFORNIA—THE SOUTHERN SLAVE COLONY.—Citizens of the slave States, desirous of emigrating to California with their slave property, are requested to send their names, number of slaves, and period of contemplated departure, to the address of 'SOUTHERN SLAVE COLONY,' Jackson, Mississippi.

"All letters, to meet with attention, must be *post paid*."

"It is the desire of the friends of this enterprise to settle in the richest mining and agricultural portions of California, and to secure their uninterrupted enjoyment of slave property. It is estimated that by the 1st of May next the members of the Slave Colony will amount to about five thousand and the slaves to about ten thousand. The mode of effecting organization, &c., will be promptly transmitted to actual members."

"Jackson, Feb. 24th, 1850."

Now, Mr. President, who, I ask, with these declarations of Southern Senators and this advertisement before him, can say there is no danger of the introduction of slavery into California and Mexico? I cannot say it. No, sir, I believe there is danger, and I am quite willing to re-affirm the ordinance of nature, to re-enact the will of God to avoid it, and secure freedom to the Territory.

If there be an ordinance of nature or a law of God excluding slavery from California and Mexico, it excludes it from the whole habitable globe. Yes, sir, from the whole of it:

"Earth hath no clod

Its Maker meant should not be trod

By man, the image of his God,

Erect and free."

But governments, it is said by the Committee of Thirteen, must be forthwith established for New Mexico and Utah. New Mexico, the honorable chairman says, is under military rule—under government administered by a lieutenant-colonel. Well, sir, that may be true, and the government a very bad one. It is not a very desirable government, I admit; but it must remain until something better can be established in its place. What says the President upon the subject? In his message of January 24th, 1850, he says, that Texas has advanced a claim to a very large portion of the populous district of the Territory, and that it remains for Congress to devise some mode for adjustment. He thinks it inexpedient to establish a territorial government over the country until the pending controversy with Texas is settled, especially as the people of the Territory still enjoy the benefit and protection of their municipal laws, originally derived from Mexico, and have a military force stationed there to protect them against the Indians. And he further says that it is undoubtedly true that the property, lives, liberties, and religion of the people of New Mexico are better protected than they ever were before the treaty of cession. Surely, Mr. President, there seems to be no pressing necessity for a territorial government for New Mexico at this session of Congress. She appears to be in the full enjoyment of her rights, and they seem to be tolerably well protected. It is, I think, great wisdom and forecast in the views taken of the subject by the President. The disputed boundary between Texas and Mexico should be adjusted, if it can be, before we establish a territorial government.



government over the Territory. But, sir, the President saw another difficulty in the way of a territorial government for New Mexico; and that was the very difficulty in which we are now involved. He apprehended that the slavery question would come up to embarrass our proceedings and excite passions, and he desired to avoid it. He knew, as we all know, that the slavery question would prevent the passage of territorial bills through the two Houses of Congress, and he thought it inexpedient to present them. And in this, in my humble judgment, he was right. His policy was to let the people of the Territories decide for themselves whether or not they would have slavery, and not embarrass Congress with the exciting subject.

Mr. President, the Committee of Thirteen complain that the Executive has made war upon their plan of adjustment. It may be so, but I have seen no evidence of it. He, no doubt, adheres to his plan, but that is not war on the plan of the committee. The only objection I have heard from the committee to the plan of the President is, that it does not go far enough. He proposes, they say, to heal but one wound, and leave four others bleeding. Sir, he proposes to heal all the wounds from which there is any immediate danger. If the fugitive slave question and the slave trade in this District can be regarded as wounds, they have been bleeding for fifty years without any great injury to the Republic. Another bleeding wound mentioned by the distinguished Senator from Kentucky is in process of healing, by the application of the remedy recommended by the President. New Mexico has held a convention, formed a constitution excluding slavery, and will soon be knocking at our door for admission into the Union; and when she becomes one of the States of the Confederacy, the question of boundary between her and Texas will be removed from Congress to the Supreme Court of the United States, where it properly belongs, and where it should be finally settled.

In regard to Utah, I have but a word to say. I desire to know a little more about the Mormons of that country before I vote to give them a government of any kind. They voluntarily left the United States, and took up their residence in a foreign country, and established a government of their own. We have acquired the country in which they reside; and I am quite willing they should, for the present, remain undisturbed under their own government. Is there any prospect, Mr. President, that we shall succeed in adopting a plan of adjustment better than the one recommended by the Executive? We have been engaged more than three months in the discussion of the committee's plan, and the prospect of its success cannot be very flattering to its friends. Suppose it should fail; what will be done then? The five bleeding wounds, about which we have heard so much, will remain unhealed. Why, sir, we should be thrown back upon the plan of the President. California must be admitted, as she ought to have been three months ago, unconnected with any other measure. Who, sir, will be responsible for the loss of time and the suspension of the ordinary business of Congress, occasioned by this measure of adjustment, as it is called? Sir, I leave this question for the country to answer, and pass to another matter.

On the subject of the surrender of fugitive slaves, I have said that, in my opinion, the people of the North stand ready to fulfil all their constitutional obligations to the South on that subject; and I say so, such is my belief. If the law of 1793 is not sufficient to protect the rights of the South, amend it, but amend it in such manner as will insure its execution. A law against the moral sense of the community where it is to be executed will always be a dead letter. Give the fugitive a trial by jury, and the law will be executed, and faithfully executed, too. No question can be more important than that of freedom or slavery; and it ought to be settled by a jury of the country, before the alleged fugitive is delivered over to the claimant as his slave. Under such a law, the master would have no difficulty in obtaining possession of his slave, if he proved, 1st, that he was a fugitive from labor; 2d, that he owed the labor by the laws of the State from which he fled; and, 3d, that the labor was due to the claimant. A verdict against the fugitive, on such proof, would be satisfactory to the whole country, and the master would return unmolested with his slave. I am utterly opposed to the bill on the subject reported by the honorable Senator from Virginia. If it should become a law it would be of no use to the South. The difficulty that would attend its execution would render it useless. It would sleep a dead letter on the statute book. And, sir, the bill reported by the Committee of Thirteen is, in my judgment, equally objectionable. If a trial by jury is to be allowed at all, it should be had in the State where the claim of ownership is made. The claimant should prove his right to the man before taking possession of him for any purpose whatever. The bill introduced by the distinguished Senator from Massachusetts (Mr. WEBSTER) ought to be satisfactory to the North. It secures to the alleged fugitive a trial by jury in the State where he resides when claimed as a slave. And what reasonable objection, I ask, can be urged against such a trial? It will be attended with no great expense; and if no good cause can be shown for delay, a jury will be immediately empanelled for the trial of the case. The controversy will be promptly settled, and, in my judgment, in a manner satisfactory to the parties in interest. The oath required of the alleged fugitive should, I think, be stricken out of the bill. I am opposed to the multiplication of oaths. We require a great number now, and I had much rather decrease than increase them. If the person claimed as a slave desires a trial by jury, he should have it unconditionally. He should not be required to make oath that he is not a fugitive from labor, in order to secure it. He should have it as a matter of right.

I have but a word to say at this time in regard to the creation and admission into the Union of new States out of Texan territory. The mode of annexation was, in my judgment, an open, palpable violation of the Constitution, and was so considered at the time by the ablest Southern Senators on this subject. Texas, however, is in the Union, and, as far as she is concerned, the question is settled. The fact of annexation, though void between the parties, has been *executed* by them, and it cannot now be nullified. But the admission of new States, to be formed out of the Territory of Texas, is an unsettled question. "New States," says the joint resolution, "of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the



consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution." In the first place, no new State can be formed without the consent of Texas—and, in the second place, when the consent of Texas is obtained, and the new State formed, it must come into the Union "under the provisions of the Federal Constitution." The Constitution does not make it imperative upon Congress to admit new States. "New States *may* be admitted by Congress into this Union" is its language. The expediency or in expediency of the measure is to be passed upon, and the new States admitted or excluded, as Congress may think proper. There is nothing, I insist, in the joint resolution annexing Texas to the United States, binding Congress to admit new States, if their admission should be deemed inexpedient. The whole subject is open to Congressional discretion. The language of the joint resolution is, that the new State or States formed out of Texas *shall* be entitled to admission *under the provisions of the Federal Constitution*. That is, they shall be admitted if Congress shall think expedient to admit them, and not without. There is, in my judgment, no public faith pledged on the subject. Congress is as free to admit or exclude a State from Texas as from any other section of the Union. But, Mr. President, if I am mistaken in the construction I have put upon the joint resolution, the fraudulent manner in which it was forced through the Senate absolves me from all obligations to vote for the admission of new slave States formed out of Texan territory. All contracts, bargains, and agreements tainted with fraud are null and void, and I will do no act or thing to uphold or sustain them.

Now, Mr. President, I ask again, why connect the admission of California with all these exciting and embarrassing questions? What has she done to deserve such treatment? The distinguished Senator from Kentucky (Mr. CLAY) said in his speech the other day that one year ago California, New Mexico, and Utah stood on the same ground—all Territories of the United States; and that California had made a runaway match, taken most of the patrimony, and now stands upon her dignity and turns up her nose to her sisters, New Mexico and Utah.

Mr. President, California has made no runaway match; we forced her to our embrace at the point of the bayonet, and now an attempt is made to force her to another embrace for which she has no taste. Yes, sir, she must aid in carrying the enslaved negroes of the South into New Mexico and Utah, or provide for her own support and protection. But it is said the question of slavery in the Territories must be settled, and California can be used to bring about a compromise upon the subject. Well, sir, what if she can?—is it just, is it fair, is it honorable to use her for such purpose? She has excluded slavery from her own borders, and has no desire to force it upon her sisters, New Mexico and Utah. Strong appeals have been made to the North to come forward in an amicable spirit and agree upon some plan of compromise, that will quiet the fears and apprehensions of the South, and restore peace and tranquility to the country. Sir, the many sacrifices of opinion and feeling already made by the North to the peculiar interests of the slave States, ought to satisfy them that we harbor in our bosoms no unfriendly feelings towards them. We desire their prosperity, and will do all we can, without a sacrifice of principle, to advance their interests. "The unity of government which constitutes us one people" is as dear to us as it is to them. We regard it as they do, "a main pillar in the edifice of our real independence, the support of our tranquility at home, and our peace abroad. But, Mr. President, anxious as I am to remove all causes of discontent on the part of the South, cannot consent to compromise slavery into the free Territories of the United States. I shall be compelled, therefore, inasmuch as the bill contains no clause excluding slavery from the Territories to which it proposes to establish governments, to vote against it.

But, Mr. President, there is another provision in the bill to which I can never yield my consent. I refer to the proposition to pay Texas blank millions of dollars for the relinquishment of her claim to that portion of New Mexico lying on the east side of the Rio Grande. I had occasion, two years ago, to examine the claim of Texas to the left bank of the Rio Grande, and became satisfied that it could not be sustained; that it was wholly unfounded; and that it is my opinion now. The argument then made upon the subject may be found in the appendix to the Congressional Globe, 1st session, 30th Congress, and I rely upon it now to sustain the opinion I have announced. It was my purpose to reproduce it on this occasion, but I am too much exhausted to read it, and I shall, therefore, wait the discussion of this branch of the subject for the present.

Finally, Mr. President, I object to the bill, because it is, in my judgment, deceptive in its character. It will disappoint the expectations of either the North or the South. Northern Senators support it because they believe the Mexican law abolishing slavery is now in force in the Territories, and that slavery cannot exist within them without positive law to authorize it. Southern Senators support it because they believe the Mexican law abolishing slavery is not in force. They maintain that the moment we acquired the country the Constitution, by its own inherent force, extended over it, and abrogated the Mexican law abolishing slavery, and that they have a right, under the provisions of the bill, to take their slaves into the Territories, and hold them as property. Now, sir, I cannot consent to leave this great absorbing question in doubt. I can vote for no bill that is not clear and explicit upon the subject—that does not, in express terms secure freedom to the Territories.